

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RONALD RAY STELLING,

Plaintiff,

v.

RO BROWN, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

No. 4:23-cv-01379-RHH

MEMORANDUM AND ORDER

This matter is before the Court for review of the file. On or about October 25, 2023, Plaintiff instituted this action by filing a civil complaint and a motion seeking leave to proceed in forma pauperis. The Court granted Plaintiff's motion, and reviewed the complaint pursuant to 28 U.S.C. § 1915(e). As fully explained in the Court's February 22, 2024 Order, the complaint was defective and subject to dismissal, and Plaintiff was directed to file an amended complaint to cure the defects. The Court's February 22, 2024 Order clearly explained the reasons the complaint was subject to dismissal, and gave Plaintiff clear instructions about how to prepare the amended complaint. The Order also cautioned Plaintiff that if he failed to timely comply with the Order, his case could be dismissed without further notice.

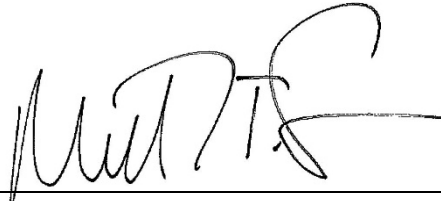
Plaintiff's response was due on March 14, 2024. To date, Plaintiff has not complied with the Court's Order, or sought additional time to do so. Plaintiff was given meaningful notice of what was expected, and cautioned that his case would be dismissed if he failed to timely comply. Therefore, the Court dismisses this action without prejudice due to Plaintiff's failure to comply with the Court's February 22, 2024 Order, and his failure to prosecute this case. *See* Fed. R. Civ. P. 41(b); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 20th day of March

A handwritten signature in black ink, appearing to read 'Matthew T. Schelp', written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE